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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137 (b)**

Docket Number (Optional)
17242/003004

First named inventor: Yin Chen

Application No.: Not Yet Assigned

Art Unit: N/A

Filed: Concurrently Herewith

Examiner: Not Yet Assigned

Title: NUCLEOTIDES FOR PREVENTION AND TREATMENT OF BACTERIAL AND FUNGAL
PATHOLOGIES

22511
PATENT TRADEMARK OFFICE

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely file a National Stage application pursuant to 35 U.S.C. Section 371. The failure was due to applicant's oversight and is unintentional.

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)

1. Petition fee

☒ Small entity – fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

March 30, 2006

Date

T. Chyau Liang, Ph.D.

Typed or printed name

48,885

Registration Number, if applicable

OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010

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Enclosures: ☒ Fee Payment

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)

Docket No.: 17242/003004
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yin Chen et al.

Application No.: National Phase of
PCT/US2004/017331

Confirmation No.: N/A

Filed: Concurrently Herewith

Art Unit: N/A

For: NUCLEOTIDES FOR PREVENTION AND
TREATMENT OF BACTERIAL AND
FUNGAL PATHOLOGIES

Examiner: Not Yet Assigned

**PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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PATENT TRADEMARK OFFICE

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper request for U.S. National Phase Entry under 35 U.S.C. § 371. The entire delay in filing the required reply from the due date until this petition under 37 CFR 1.137(b) was unintentional. The Applicant hereby requests the revival of the above referenced patent application and the acceptance of the enclosed U.S. National Phase request document, application fee, and application as a national phase entry under 35 U.S.C. § 371. Alternatively, Applicant asks that the enclosed document be considered as a U.S. Non-provisional Patent Application under 35 U.S.C. § 111 and 37 C.F.R. 1.53(b) and this as a petition for the revival of the PCT application to enable co-pendency and priority to be claimed under 35 U.S.C. § 120.

The petition fee set forth in 37 C.F.R. 1.17(m) is \$750 to be charged to credit card. A credit card payment Form 2038 is enclosed.


Applicant hereby requests for any extension of time that may be deemed necessary to further the prosecution of this application.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0591, under Order No. 17242/003004. A duplicate copy of this paper is enclosed.

In order to facilitate the resolution of any issues or questions presented by this paper, Applicant respectfully requests that the Examiner directly contact the undersigned by phone to further the discussion.

Dated: March 30, 2006

Respectfully submitted,

By 

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